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EXAMINER
CHOUDHURY, AZIZUL Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/757,728	COUSSEMENT, STEFAAN VALERE ALBERT
	Examiner	Art Unit	
	Azizul Choudhury	2145	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/1/07*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-31 and 33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-31 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 January 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on March 1, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Beck et al (US Pat No: US006332154B2), hereafter referred to as

Beck.

1. With regards to claims 1 and 19, Beck teaches a network including a

   communication center and a plurality of clients using communication devices, a

   system enabling agents of the communication center to best communicate with

   the clients and client devices, including configuring call-back options and

   preferences, the system comprising:

   - customer presence software executing at each client device for monitoring

     client and client device status (Beck teaches a communication center

     design with client side software (column 5, lines 25-38, Beck). Plus the

     design allows for the client status to be available to the agent through the

     software (column 5, lines 57-60, Beck)); and

- a communication-center presence software executing in the
  communication center for receiving information from the customer
  presence software (Beck teaches a communication center design with
  host side software (column 9, lines 20-22, Beck). Plus the design allows
  for the client status to be available to the agent through the software
  (column 5, lines 57-60, Beck));

- characterized in that the customer presence software monitors real-time
  client and client device status at each client device including on-line/offline
  status of the client (client online status means are present (column 59,
  lines 14-24, Beck)) and client devices and the client's callback preferences
  including medium preferences and client device preferences (Beck allows
  for callback preferences along with medium preferences (column 6, lines
  6-14, Beck)), communicates the status information to the communication
  center presence software, and the communication center presence
  software integrates the received status information and provides the
  integrated result to the agents of the communication center (column 8, line
  54 – column 9, line 5, Beck)

  (Beck does not specifically disclose the use of a customer presence
  software monitor. However, Beck does teach the client side computer
  using software (column 5, lines 25-38, Beck). In addition, Beck also
  teaches that the computer can monitor client activity and send client
  activity information to an agent (column 5, line 52 – column 6, line 21,

Beck). Official notice is hereby taken that it would have been obvious to

one skilled in the art, to have real-time client monitoring performed by

software on the client's computer to provide client reporting functions

(column 5, lines 55-58, Beck)).

2. With regards to claims 2 and 20, Beck teaches the system of claim 1, wherein

the network is a data-packet-network (column 7, lines 31-40, Beck).

3. With regards to claims 3 and 21, Beck teaches the system of claim 2, wherein

the data-packet-network is the Internet network (column 7, lines 31-40, Beck).

4. With regards to claims 4 and 22, Beck teaches the system of claim 3, wherein

the communication center markets products and or service to the clients (column

24, line 64 – column 25, line 7, Beck).

5. With regards to claim 5, Beck teaches the system of claim 4, wherein the agents

are human resources employed by the communication center (The resources

can be human or automated (robotic) (column 11, lines 39-50, Beck)).

6. With regards to claim 6, Beck teaches the system of claim 4, wherein the agents

are automated systems implemented in hardware and software at the

communications center (The resources can be human or automated (robotic)

(column 11, lines 39-50, Beck)).

7. With regards to claim 8, Beck teaches the system of claim 7, wherein an alert is

propagated to clients (Beck allows for notifications/alerts (column 43, lines 23-35,

Beck). Plus, callbacks are also equivalent to alerts (column 6, lines 6-14, Beck)).

8. With regards to claims 9, 29 and 30, Beck teaches the system of claim 8,

wherein the alert indicates one or more of status of the communication center,

including one or more of the number of calls in queue and the estimated waiting

time, and a time for callback, enabling the client to plan or to initiate a call with

high probability of success (Beck allows for notifications/alerts based on various

events (column 35, line 16 – column 37, line 27, Beck). Plus, callbacks are also

equivalent to alerts (column 6, lines 6-14, Beck)).

9. With regards to claim 10, Beck teaches the system of claim 8, wherein optional

callback or alert mediums include cellular, IP, and wired communications

mediums (column 6, lines 6-14, Beck).

10. With regards to claims 11 and 31, Beck teaches the system of claim 10, wherein

the optional callback or alert devices include cellular telephones, pagers,

telephones, computer stations, handheld computers, and laptop computers

(column 6, lines 6-14, Beck).

11. With regard to claims 12 and 33, Beck teaches the system of claim 1, wherein

the client-status information provided to an agent automatically updates

periodically (column 5, line 60 – column 6, line 14, Beck).

12. With regards to claim 13, Beck teaches the system of claim 1, wherein the client-

status information is continually streamed to the subscribing agent-user during a

session with a client (column 5, line 60 – column 6, line 14, Beck).

13. With regards to claims 14, 26 and 27, Beck teaches the system of claim 1,

wherein the transfer of client-status information is by instant messaging

technology (column 8, line 54 – column 9, line 5, Beck).

14. With regards to claim 15, Beck teaches the system of claim 1 wherein the

customer presence software executing at the client devices for monitoring client

and device status is provided by a host of the communication center, and the

communication-center presence software executing in the communication center

communicates directly with the customer presence software executing at the

client device (column 7, lines 15-22, Beck).

15. With regards to claim 16, Beck teaches the system of claim 1 wherein one or

more instances of customer presence service software are provided by a third-

party presence service provider, and further comprising a presence service

server operating in the network and communicating with both the instances of the

presence service software and the communication center presence software

executing at the communication center (Beck teaches how necessary software is

provided (column 7, lines 15-22, Beck). In addition, Beck discloses that data

transfers can occur through an ISP (which is a third party) (column 2, lines 49-

50). Furthermore, Beck discloses that interaction between the client, agent and a

third party are also possible (column 40, lines 10-20, Beck)).

16. With regards to claim 17, Beck teaches the system of claim 1 wherein the

network is one or a combination of the Internet network, a wireless cellular

telephone network, or a public service telephone network (Various network types

are allowed (column 7, lines 31-40, Beck)).

17. With regards to claim 18, Beck teaches the system of claim 1 wherein one or

more instances of the customer presence software are provided by the

communication center host, and one or more instances are provided by a third

party presence service provider, and wherein two or more client devices

executing presence software are associated with a single client, the

communication center presence software providing thereby regularly updated

and integrated presence status over the multiple devices for the single client

(Beck's design allows for downloading of software (column 17, lines 15-22,

Beck). The design also allows for downloading of other types of software as

needed (column 18, lines 8-17, Beck) (column 19, lines 38-52, Beck). In

addition, Beck discloses that data transfers can occur through an ISP (which is a

third party) (column 2, lines 49-50). Furthermore, Beck discloses that interaction

between the client, agent and a third party are also possible (column 40, lines 10-

20, Beck)).

18. With regards to claim 23, Beck teaches the method of claim 19 wherein in step

(a), the presence software executing at a client device is provided by a third-party

service provider, and client status information is communicated through a third

party server to the communication center presence software (Beck's design

allows for downloading of software (column 17, lines 15-22, Beck). The design

also allows for downloading of other types of software as needed (column 18,

lines 8-17, Beck) (column 19, lines 38-52, Beck). In addition, Beck discloses that

data transfers can occur through an ISP (which is a third party) (column 2, lines

49-50). Furthermore, Beck discloses that interaction between the client, agent

and a third party are also possible (column 40, lines 10-20, Beck)).

19. With regards to claim 24, Beck teaches the method of claim 19 wherein in step

(a), the presence software executing at a client device is provided by the host of

the communication center, and the communication center presence software

communicates directly with the client presence software (The CINOS client-side

application communicates with the CINOS parent-side application (column 9,

lines 20-22, Beck)).

20. With regards to claim 25, Beck teaches the method of claim 19 wherein in step

(b), the communication center presence software operates in a call-waiting

queue of the communication center (column 9, line 59 – column 10, line 9, Beck).

21. With regards to claim 28, Beck teaches the method of claim 19 wherein in step

(b), on-line/off-line status information is communicated in the form of instant

messages containing the information, and callback preference information is

communicated through an electronic information page (column 8, line 54 –

column 9, line 5 and column 9, line 59 – column 10, line 9, Beck).

22. The motivation applied to claims 1 and 19 are applicable to claims 2-6, 8-18, 21-

31 and 33.

Response to Remarks

The amendment received on March 1, 2007 has been carefully examined but is

not deemed fully persuasive. The following are the examiner's response to the remarks

filed with the amendment.

The first and sole point of contention remarked upon by the applicant concerns the claimed, "customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client". The applicant contends that examiner is changing the meaning of the reference and that the client monitoring feature taught by Beck is related to the client's transaction history and not the presence/status of a communication device. The applicant further urged the examiner to read columns 1 and 7 of the prior art. The examiner has read columns 1 through 7 again. The examiner is well aware that no one is permitted to change the meaning of references. Beck teaches that there "may also be a step for monitoring client activity with the wizard and making that activity available to an enterprise agent through the OS" (column 6, lines 19-21, Beck). Beck also teaches that, "there may also be a reporting function wherein the reporting function monitors client activity related to the wizard and makes that activity available to an enterprise agent through the OS" (column 5, lines 55-58, Beck). In both teachings, it is clear that means are present by which client activity is monitored and client activity is deemed equivalent to status information. The claimed status information pertains simply to if the client is online or offline. If there is activity by the client, it is clearly evident that the client is online; otherwise the client is not online (i.e. offline). In addition, in both teachings, it is clear that the client activity information is sent to the agent.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Azizul Choudhury whose telephone number is (571)

272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

JASON CARDONE
SUPERVISORY PATENT EXAMINER